

The Committee divided, and the tellers reported that there were—ayes 172, noes 170, not voting 89. . . .

So the preferential motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Symington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (S. 1316) . . . had directed him to report the bill back to the House with the recommendation that the enacting clause be stricken out.

THE SPEAKER:⁽²²⁾ The question is on the recommendation of the Committee of the Whole House on the State of the Union that the enacting clause be stricken out.

MR. MAYNE: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 173, nays 169, not voting 88. . . .

So the recommendation of the Committee of the Whole House on the State of the Union that the enacting clause be stricken out was agreed to. . . .

The result of the vote was announced as above recorded.

THE SPEAKER: The Clerk will notify the Senate of the action of the House.

Withdrawal of Motion

§ 10.15 The motion that the Committee of the Whole rise and report a bill back to the

22. Carl Albert (Okla.).

House with the recommendation that the enacting clause be stricken out was withdrawn by unanimous consent.

On May 3, 1949,⁽¹⁾ during consideration of H.R. 2032, the National Labor Relations Act of 1949, a motion to strike the enacting clause was withdrawn by unanimous consent.

MR. [EUGENE] WORLEY [of Texas]: Mr. Chairman, I offer a preferential motion.

THE CHAIRMAN:⁽²⁾ The Clerk will report the motion of the gentleman from Texas.

The Clerk read as follows:

Mr. Worley moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

THE CHAIRMAN: The gentleman from Texas is recognized for 5 minutes on his motion.

MR. WORLEY: . . . Mr. Chairman, I ask unanimous consent to withdraw my motion.

THE CHAIRMAN: Is there objection to the request of the gentleman from Texas?

There was no objection.

§ 11. When in Order

The motion to strike out the enacting words of a bill has prece-

1. 95 CONG. REC. 5521, 5522, 81st Cong. 1st Sess.
2. Jere Cooper (Tenn.).

dence over a motion to amend.⁽³⁾
And it may be offered while an amendment is pending.⁽⁴⁾

Time to Offer Motion

§ 11.1 Because a motion to strike out the enacting clause of a bill is in order only during the stage of amendment, the Chair has indicated that the motion would not be in order after the adoption of an amendment in the nature of a substitute.

On Aug. 7, 1964,⁽⁵⁾ during consideration of H.R. 11377, the Economic Opportunity Act of 1964, Chairman Albert Rains, of Alabama, made reference to the time during which the motion to strike out the enacting clause would be in order:

MR. [CHARLES A.] HALLECK [of Indiana]: My inquiry, Mr. Chairman, is this: After the substitute is voted on and if it is adopted would it be in order for someone or anyone, any Member, to offer a motion to strike out the enacting clause?

3. Rule XXIII clause 7, *House Rules and Manual* §875 (1979).
4. See 5 Cannon's Precedents §§5329, 5330, and 8 Cannon's Precedents §2624.
5. 110 CONG. REC. 18608, 18609, 88th Cong. 2d Sess.

THE CHAIRMAN: The Chair replies that it would not be because the stage of amending the bill would have passed.

§ 11.2 A motion in the Committee of the Whole that the Committee rise and report a bill back to the House with the recommendation that the enacting clause be stricken out is not in order during debate on the measure but is properly offered when the bill is being read for amendment.

On July 5, 1939,⁽⁶⁾ during general debate on H.R. 5031, regarding relief for sufferers from the earthquake in Chile, Chairman Orville Zimmerman, of Missouri, stated that a motion to strike the enacting clause was not in order.

THE CHAIRMAN: The gentleman from New York has control of the time.

MR. [ALBERT E.] CARTER [of California]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. CARTER: Would a motion that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out be in order at this time, or must we wait until debate closes?

THE CHAIRMAN: The Chair rules that the motion is not in order at this time.

6. 84 CONG. REC. 8624, 76th Cong. 1st Sess.

MR. [HAMILTON] FISH [Jr., of New York]: Mr. Chairman, I yield 4 minutes to the gentleman from Nebraska [Mr. Stefan].

§ 11.3 A motion to strike out the enacting clause is a preferential motion and in order at any time recognition is secured to offer it during the reading of the bill for amendment by a Member who, if challenged, qualifies as being opposed to the bill, even though that may have the effect of extending the time for debate.

On May 26, 1945,⁽⁷⁾ during consideration of H.R. 3240, regarding foreign trade agreements, Chairman Clifton A. Woodrum, of Virginia, overruled a point of order that a motion to strike the enacting clause should not be entertained because it had been offered merely to gain additional time for debate.

MR. [DANIEL A.] REED of New York: Mr. Chairman, I offer a preferential motion.

THE CHAIRMAN: The gentleman from New York offers a preferential motion which the Clerk will report.

The Clerk read as follows:

Mr. Reed of New York moves that the Committee do now rise and re-

port the bill back to the House with the recommendation that the enacting clause be stricken.

MR. [JERE] COOPER [of Tennessee]: Mr. Chairman, I make a point of order against the motion.

THE CHAIRMAN: The gentleman will state the point of order.

MR. COOPER: Of course, this is a motion of the highest privilege, under the rules of the House, but I submit to the Chair that when it is offered obviously for the purpose of gaining a specific object—to extend debate after the time has been fixed and the debate closed—that such a motion should not be entertained.

THE CHAIRMAN: The Chair will say to the gentleman that the effect of the motion may be to extend the time of debate, but the purpose of the motion is a vehicle by which the bill may be killed. If the gentleman from New York [Mr. Reed] is opposed to the bill, this is one way to do it.

MR. REED of New York: I am opposed to the bill, sir, as I have been consistently.

THE CHAIRMAN: The Chair overrules the point of order.

Under Rule Permitting Only Committee Amendments

§ 11.4 Where a bill is being considered under a rule permitting only committee amendments and no amendments thereto, a motion that the Committee rise and report the bill back to the House with the recommendation that the enacting clause

7. 91 CONG. REC. 5149, 79th Cong. 1st Sess. See 86 CONG. REC. 1883, 76th Cong. 3d Sess., Feb. 23, 1940, for another illustration of this principle.

be stricken out is in order until the stage of amendment is passed.

On Jan. 30, 1957,⁽⁸⁾ during consideration under a closed rule of House Joint Resolution 117, to authorize the President to cooperate with nations of the Middle East, Chairman Jere Cooper, of Tennessee, stated that a motion that the Committee of the Whole rise and report the resolution back to the House with the recommendation that its enacting clause be stricken was preferential and in order.

MR. [JAMES G.] FULTON [of Pennsylvania]: Mr. Chairman, I rise in support of the amendment and the resolution.

THE CHAIRMAN: Under the rules adopted by the House all debate on the pending amendment is exhausted.

The question is on the committee amendment.

The committee amendment was agreed to. . . .

MR. [H. R.] GROSS [of Iowa]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Gross moves the Committee now rise and report the resolution to the House with the recommendation that the enacting clause be stricken.

MR. [JOHN M.] VORYS [of Ohio]: Mr. Chairman, a point of order.

8. 103 CONG. REC. 1307-09, 85th Cong. 1st Sess. See 106 CONG. REC. 10577-79, 86th Cong. 2d Sess., May 18, 1960, for another illustration of this principle.

THE CHAIRMAN: The gentleman will state his point of order.

MR. VORYS: It is my understanding that under the rule this motion is not in order.

MR. [CLARE E.] HOFFMAN [of Michigan]: Mr. Chairman, I want to be heard on that point of order, if I may.

THE CHAIRMAN: The Chair is ready to rule.

This is a preferential motion. It is not an amendment which is prohibited under the rule adopted by the House, but a preferential motion. It is in order. The point of order is overruled and the gentleman from Iowa [Mr. Gross] is recognized for 5 minutes in support of his preferential motion.

Following debate and rejection of the preferential motion, the Chairman put the question on the committee amendment. After the committee amendment was agreed to, the Chairman directed the Clerk to read the next committee amendment. The proceedings were as follows:

THE CHAIRMAN: The question is on the preferential motion offered by the gentleman from Iowa.

The motion was rejected.

THE CHAIRMAN: The question is on the committee amendment.

The committee amendment was agreed to.

THE CHAIRMAN: The Clerk will report the next committee amendment as it appears in the printed copy of the resolution.

The Clerk read as follows: . . .

§ 11.5 A preferential motion that the Committee rise and

report the bill to the House with the recommendation that the enacting clause be stricken is not in order where the stage of amendment is passed; and the stage of amendment is passed in Committee of the Whole where a bill is being considered under a rule permitting only committee amendments and where no committee amendments are offered at the conclusion of general debate.

On Apr. 16, 1970,⁽⁹⁾ during consideration of H.R. 16311, the Family Assistance Act of 1970, Chairman John D. Dingell, of Michigan, ruled out of order a motion that the Committee of the Whole rise and report a bill to the House with the recommendation that the enacting clause be stricken. He did so on the ground that the stage of amendment had passed, no committee amendments having been offered at the conclusion of general debate. The bill was being considered under a closed rule permitting only committee amendments and no amendments thereto.

THE CHAIRMAN: Under the rule, the bill is considered as having been read for amendment. No amendments are in

order to the bill except amendments offered by direction of the Committee on Ways and Means.

Are there any committee amendments?

MR. [WILBUR D.] MILLS [of Arkansas]: Mr. Chairman, there are no committee amendments.

MR. [OMAR T.] BURLESON of Texas: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. BURLESON of Texas: Mr. Chairman, I have a preferential motion. Is it in order to offer a preferential motion at this time?

THE CHAIRMAN: Will the gentleman advise the Chair what sort of preferential motion he has in mind?

MR. BURLESON of Texas: To strike the enacting clause.

THE CHAIRMAN: The Chair will advise the gentleman from Texas that that motion is not in order unless amendments are in order, and are offered. There being no committee amendments, that motion will not be in order at this time.

MR. BURLESON of Texas: Mr. Chairman, may I inquire, if there are no committee amendments to be offered, if the bill is perfected?

THE CHAIRMAN: The Chair will advise the gentleman from Texas that the chairman of the Committee on Ways and Means, the gentleman from Arkansas (Mr. Mills), has just advised the Chair that there are no committee amendments. That being so, the motion is not in order at this time.

Under the rule, the Committee rises.

9. 116 CONG. REC. 12092, 91st Cong. 2d Sess.

Effect of Adoption of Amendment in the Nature of a Substitute

§ 11.6 After the stage of amendment is passed, the motion that the Committee of the Whole rise and report the bill with the recommendation that the enacting clause be stricken is not in order; and the adoption of an amendment in the nature of a substitute may foreclose the opportunity to offer such a motion.

On Aug. 7, 1964,⁽¹⁰⁾ during consideration of H.R. 11377, the Economic Opportunity Act of 1964, Chairman Albert Rains, of Alabama, stated that the motion that the Committee of the Whole rise and report a bill with the recommendation that the enacting clause be stricken would not be in order after the adoption of an amendment.

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Chairman, a further parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. HALLECK: As I remember the unanimous-consent request it was that debate on the pending amendment, which is the Landrum substitute, and all amendments and substitutes there-

to, close at 6:30. I did not take it that that would foreclose the consideration of a motion to strike out the enacting clause after the amendment in the nature of a substitute had been disposed of.

THE CHAIRMAN: The Chair will state that if the Landrum amendment is adopted it will foreclose the opportunity to offer a motion to strike out the enacting clause because the stage for amendment would then be passed.

§ 11.7 Where the Committee of the Whole adopts an amendment in the nature of a substitute for an entire bill it is not subject to further amendment; and a subsequent motion that the Committee rise and report the bill back to the House with the recommendation that the enacting clause be stricken is not then in order because the stage of amendment has passed.

On Apr. 1, 1949,⁽¹¹⁾ during consideration of H.R. 2023, regarding regulation of oleomargarine, Chairman William M. Whittington, of Mississippi, stated that a motion that the Committee rise and report the bill back to the House with the recommendation that the enacting clause be stricken out is not in order after the

10. 110 CONG. REC. 18608, 18609, 88th Cong. 2d Sess.

11. 95 CONG. REC. 3727, 81st Cong. 1st Sess.

adoption of a substitute for an entire bill.

THE CHAIRMAN: The question is on the amendment to the original bill, in the nature of a substitute, offered by the gentleman from Texas [Mr. Poage].

The question was taken; and the Chair being in doubt, the Committee divided, and there were—ayes 152, noes 140.

MR. AUGUST H. ANDRESEN [of Minnesota]: Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Poage and Mr. August H. Andresen.

The Committee again divided; and the tellers reported that there were—ayes 162, noes 141.

So the substitute amendment was agreed to.

MR. AUGUST H. ANDRESEN: Mr. Chairman, I offer a preferential motion.

THE CHAIRMAN: Will the gentleman state what he proposes to offer as a preferential motion?

MR. AUGUST H. ANDRESEN: Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

THE CHAIRMAN: The gentleman is out of order. That is not a preferential motion at this time.

After Ordering of Previous Question

§ 11.8 A motion in the House to strike out the enacting clause of a bill is not in order

after the previous question has been ordered on the bill to final passage.

On Apr. 16, 1970,⁽¹²⁾ during consideration of H.R. 16311, the Family Assistance Act of 1970, Speaker John W. McCormack, of Massachusetts, stated that a motion to strike out the enacting clause was not in order where the previous question had been ordered on the bill to final passage. This bill was considered under a closed rule which permitted only committee amendments and no amendments thereto.

THE SPEAKER: Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

THE SPEAKER: The question is on the passage of the bill.

MR. [OMAR T.] BURLESON of Texas: Mr. Speaker a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. BURLESON of Texas: Mr. Speaker I have a preferential motion which was not permitted to be made in the Committee of the Whole. The preferential motion is to strike the enacting clause. Is it in order in the House at this time?

THE SPEAKER: Due to the fact that the previous question has been ordered

12. 116 CONG. REC. 12092, 91st Cong. 2d Sess.

on the bill to final passage, the motion is not in order at this time.

After Defeat of Motion to Rise and Recommend Passage

§ 11.9 After defeat of a motion that the Committee of the Whole rise and report a bill to the House with the recommendation that it pass, a motion that the Committee rise and report the bill with the recommendation that the enacting clause be stricken out is in order.

On May 12, 1941,⁽¹³⁾ during consideration of H.R. 3490, fixing the amount of annual payment by the United States toward defraying expenses of the District of Columbia government, Chairman William M. Whittington, of Mississippi, stated that it would be in order to move that the Committee of the Whole rise and report the bill with the recommendation that the enacting clause be stricken out after defeat of a motion that the Committee rise and report the bill favorably.

MR. [JENNINGS] RANDOLPH [of West Virginia]: Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3490) to fix the amount

of the annual payment by the United States toward defraying the expenses of the government of the District of Columbia; and pending that, I ask unanimous consent that debate be limited to 2 hours.

After completion of general debate and reading of the bill for amendment under the five-minute rule, the manager of the bill, Mr. Randolph, moved as follows:

Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with an amendment with the recommendation that the amendment be agreed to and that the bill as amended do pass. . . .

MR. [MALCOLM C.] TARVER [of Georgia]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. TARVER: If this motion to report the bill favorably does not carry, it would then be in order to offer a motion to report the bill with the recommendation that the enacting clause be stricken out.

THE CHAIRMAN: The bill would still be in the Committee, and such a motion would be in order.

Effect of Pendency of Motion to Limit Debate

§ 11.10 A preferential motion under Rule XXIII clause 7 that the Committee of the Whole rise with the recommendation that the resolving clause be stricken out is applicable to a simple resolu-

13. 87 CONG. REC. 3917, 3938, 3939, 77th Cong. 1st Sess.

tion and may be offered while a motion to limit debate is pending.

On Oct. 7, 1974,⁽¹⁴⁾ during consideration of a resolution (H. Res. 988) to reform the structure, jurisdiction, and procedures of House committees, the following proceedings took place:

MR. [RICHARD] BOLLING [of Missouri]: Mr. Chairman, I move that all debate on the amendment in the nature of a substitute offered by the gentlewoman from Washington (Mrs. Hansen), and all amendments thereto, conclude in 5 hours.

THE CHAIRMAN: [William H. Natcher, of Kentucky]: The question is on the motion.

The question was taken; and the Chairman announced that the noes appeared to have it.

MR. BOLLING: Mr. Chairman, I demand a recorded vote.

A series of parliamentary inquiries ensued. Then a preferential motion was made, as follows:

MR. [DAVID T.] MARTIN of Nebraska: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Martin of Nebraska moves that the Committee rise and report the resolution H. Res. 988 to the House with the recommendation that the resolving clause be stricken out.

THE CHAIRMAN: The Chair would like to ask the gentleman from Ne-

braska, is the gentleman opposed to this resolution?

MR. MARTIN of Nebraska: I am, Mr. Chairman.

THE CHAIRMAN: The gentleman qualifies to make the motion.

The gentleman from Nebraska is recognized for 5 minutes in support of his motion.

§ 11.11 The motion that the Committee of the Whole rise and report a bill to the House with the recommendation that the enacting clause be stricken out (Rule XXIII clause 7)⁽¹⁵⁾ takes precedence over a motion to limit debate under Rule XXIII clause 6.⁽¹⁶⁾

On Dec. 14, 1973,⁽¹⁷⁾ during consideration of H.R. 11450, the Energy Emergency Act, Chairman Richard Bolling, of Missouri, indicated that a motion that the Committee of the Whole rise and report the bill to the House with the recommendation that the enacting clause be stricken out took precedence over a motion to limit debate.

MR. [Samuel L.] DEVINE [of Ohio]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

15. *House Rules and Manual* §875 (1979).

16. *Id.* at §874.

17. 119 CONG. REC. 41711-14, 93d Cong. 1st Sess.

14. 120 CONG. REC. 34170, 34171, 93d Cong. 2d Sess.

MR. DEVINE: Mr. Chairman, my parliamentary inquiry is this: Is a motion now in order to say that the House will vote on the bill and all amendments thereto by a time certain?

THE CHAIRMAN: The Chair will state that a motion to limit debate on the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. Staggers) and all amendments thereto, to a time certain, would be in order.

MR. DEVINE: Mr. Chairman, I therefore will make that motion.

Mr. Chairman, I move that all debate on the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. Staggers) and all amendments thereto, close at 5:30 p.m. today. . . .

MR. [H. R.] GROSS [of Iowa]: Mr. Chairman, my parliamentary inquiry is this: Must that motion be in writing?

THE CHAIRMAN: The Chair will state that the motion must be in writing if the gentleman insists upon it.

MR. GROSS: Mr. Chairman, I do so insist.

MR. [Phillip M.] LANDRUM [of Georgia]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Landrum moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

THE CHAIRMAN: The gentleman from Georgia (Mr. Landrum) is recognized for 5 minutes in support of his preferential motion. . . .

The question is on the preferential motion offered by the gentleman from Georgia (Mr. Landrum).

The preferential motion was rejected.

MR. DEVINE: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman from Ohio will state it.

MR. DEVINE: At the time the gentleman from Georgia made his preferential motion, I had already made a motion before the House, and it was requested that that be put in writing. That was done, and it is currently at the Clerk's desk. I wonder what the status of that motion is that was pending at the time the preferential motion was made.

THE CHAIRMAN: The preferential motion takes precedence. The preferential motion was rejected.

MR. DEVINE: Mr. Chairman, I offer a motion.

The Clerk read as follows:

Mr. Devine moves that all debate on the amendment in the nature of a substitute, H.R. 11882, and all amendments thereto be concluded by 6:30 p.m.

Parliamentarian's Note: On Oct. 7, 1974 (see §11.10, supra), the Chair entertained as preferential a motion that the Committee rise with the recommendation that the resolving clause of a simple resolution be stricken out while there was pending a motion to limit debate. The motion is more preferential since, if adopted, it is a final disposition of the bill in Committee.

Duration of Debate

§ 11.12 A motion that the Committee of the Whole rise and

report a bill back to the House with the recommendation that the enacting clause be stricken is debatable for 10 minutes.

On Oct. 17, 1945,⁽¹⁸⁾ during consideration of H.R. 3615, the airport bill, Chairman Graham A. Barden, of North Carolina, stated the time for debate on a motion to strike out the enacting clause of the bill:

MR. [CLARE E.] HOFFMAN [of Michigan]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Hoffman moves that the Committee rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

MR. [JOHN W.] MCCORMACK [of Massachusetts]: Mr. Chairman, a parliamentary inquiry.

The Chairman: The gentleman will state it.

MR. MCCORMACK: My understanding is that on the motion offered by the gentleman from Michigan there may be 10 minutes of debate, 5 minutes for and 5 minutes against, and that if the motion is defeated the 10 minutes of debate on the amendment still remain to be used. Is that correct?

18. 91 CONG. REC. 9751, 79th Cong. 1st Sess. See also 89 CONG. REC. 654, 78th Cong. 1st Sess., Feb. 5, 1943; and 79 CONG. REC. 13013, 74th Cong. 1st Sess., Aug. 13, 1935. See Rule XXIII clause 7 and comment thereto, *House Rules and Manual* §§875, 876 (1979).

THE CHAIRMAN: The gentleman is correct.

Precedence of Motion to Rise

§ 11.13 A motion that the Committee of the Whole do now rise takes precedence over a pending motion to rise and report with the recommendation that the enacting clause be stricken out.

On May 24, 1967,⁽¹⁹⁾ during consideration of H.R. 7819, the Elementary and Secondary Education Act Amendments of 1967, Chairman Charles M. Price, of Illinois, stated that the motion that the Committee of the Whole rise takes precedence over a pending motion to rise and report with the recommendation that the enacting clause be stricken out.

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Hays moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out. . . .

THE CHAIRMAN: The question is on the preferential motion offered by the gentleman from Ohio [Mr. Hays].

19. 1113 CONG. REC. 13876, 13877, 90th Cong. 1st Sess. See 82 CONG. REC. 1600, 75th Cong. 2d Sess., Dec. 15, 1937, for another illustration of this principle.

MR. [CARL D.] PERKINS [of Kentucky]: Mr. Chairman, I move that the Committee do now rise.

THE CHAIRMAN: The question is on the motion offered by the gentleman from Kentucky [Mr. Perkins].

MR. [PAUL C.] JONES of Missouri: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. JONES of Missouri: Does not a preferential motion require a vote before the Chair can accept another motion?

THE CHAIRMAN: No. A motion to rise takes precedence over any other motion.

The question is on the motion offered by the gentleman from Kentucky [Mr. Perkins].

MR. [LESLIE C.] ARENDS [of Illinois]: Mr. Chairman, on that I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Perkins and Mr. Goodell.

The Committee divided and the tellers reported that there were—ayes 127, noes 186.

So the motion was rejected.

THE CHAIRMAN: The question is on the preferential motion.

MR. JONES of Missouri: Mr. Chairman, I demand tellers. Tellers were refused.

THE CHAIRMAN: The question is on the preferential motion.

The preferential motion was rejected.

Precedence of Motion to Re-commit

§ 11.14 When a bill is reported to the House by the Com-

mittee of the Whole with the recommendation that the enacting clause be stricken out, pending the question of concurrence, a motion to recommit the bill to a committee is in order under Rule XXIII clause 7,⁽²⁰⁾ and is voted on before the recommendation to strike out the enacting clause.

On Mar. 22, 1949,⁽²¹⁾ during consideration of H.R. 2681, to provide pensions for veterans of World Wars I and II, and after the Committee of the Whole rose with the recommendation that the enacting clause be stricken out, Speaker Sam Rayburn, of Texas, stated that pending the question of concurrence on the motion to strike the enacting clause a motion to recommit the bill to committee was in order. The House voted on the motion to recommit before the recommendation to strike the enacting clause.

The proceedings were as follows:

MR. [JOHN A.] CARROLL [of Colorado]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Carroll moves that the Committee do now rise and report the

20. *House Rules and Manual* §875 (1979).

21. 95 CONG. REC. 2962–65, 81st Cong. 1st Sess.

bill back to the House with the recommendation that the enacting clause be stricken out. . . .

THE CHAIRMAN:⁽¹⁾ The question is on the preferential motion of the gentleman from Colorado.

The question was taken; and the Chair being in doubt, the Committee divided, and there were—ayes 154, noes 139.

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. Carroll and Mr. Rankin.

The Committee again divided; and the tellers reported that there were—ayes 163, noes 154.

So the motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Gore, Chairman of the Committee . . . reported that the Committee . . . had directed him to report the bill back to the House with the recommendation that the enacting clause be stricken out.

THE SPEAKER: The question is on the recommendation of the Committee of the Whole House on the state of the Union that the enacting clause be stricken out.

MR. CARROLL: Mr. Speaker, I offer a motion to recommit.

The Clerk read as follows:

Mr. Carroll moves that the bill H.R. 2681 be recommitted to the Committee on Veterans' Affairs.

MR. RANKIN: Mr. Speaker, I demand a vote on the motion to strike out the enacting clause.

THE SPEAKER: The Chair holds that this motion [to recommit] offered by the gentleman from Colorado at this time is in order.

MR. CARROLL: Mr. Speaker, I move the previous question.

The previous question was ordered.

The question was taken on the motion to recommit [which was rejected]. . . .

THE SPEAKER: The question is on the recommendation of the Committee of the Whole House on the State of the Union that the enacting clause be stricken out. Those in favor of voting to strike out the enacting clause of the bill will, when their names are called, vote "aye"; those opposed vote "nay." . . .

The yeas and nays were ordered.

The question was taken; and there were—yeas 120, nays 291, not voting 22, as follows: . . .

So the recommendation of the Committee of the Whole was rejected. . . .

THE SPEAKER: The House automatically resolves itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 2681.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 2681, with Mr. Gore in the chair.

The Clerk read the title of the bill.

THE CHAIRMAN: When the Committee rose, there was an amendment pending offered by the gentleman from New York [Mr. Kearney].

MR. [JOSEPH W.] MARTIN [Jr.] of Massachusetts: Mr. Chairman, I ask unanimous consent that the amendment be reread for the information of the Committee.

1. Albert A. Gore (Tenn.).

THE CHAIRMAN: Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

When the Committee of the Whole agreed to a motion to rise that day, the Chairman reported that the Committee had come to no resolution on H.R. 2681. The Committee of the Whole considered the measure again on the following day. On Mar. 24, 1949, the House again resolved into the Committee of the Whole for further consideration of H.R. 2681.⁽²⁾ Subsequently, Mr. Olin E. Teague, of Texas, moved that the Committee rise and report back to the House with the recommendation that the enacting clause be stricken, creating a parliamentary situation that Mr. Francis H. Case, of South Dakota, suggested was similar to that prevailing on Mar. 22, 1949. This time, however, the House voted to recommit the bill to the Committee on Veterans' Affairs for further study.

§ 12. Procedures; Qualification to Offer or Oppose

Qualification to Offer Motion

§ 12.1 A Member offering a motion to strike out the enact-

2. 95 CONG. REC. 3110-15, 81st Cong. 1st Sess.

ing clause is required upon request of another Member to qualify as being opposed to the bill.

On May 6, 1950,⁽³⁾ during consideration of H.R. 7786, the general appropriation bill of 1951, Chairman Jere Cooper, of Tennessee, required a Member who offered a motion to strike the enacting clause to qualify as being opposed to the bill.

THE CHAIRMAN: The time of the gentleman from Texas has expired. All time on this amendment has expired.

MR. [HALE] BOGGS of Louisiana: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Boggs of Louisiana moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out. . . .

MR. [JOHN] TABER [of New York]: Mr. Chairman, I make the further point of order that the gentleman has not stated that he is opposed to the bill.

THE CHAIRMAN: The gentleman from New York makes the point of order that the gentleman from Louisiana is not qualified to offer the motion. The Chair will endeavor to qualify the gentleman.

Is the gentleman from Louisiana opposed to the bill?

MR. BOGGS of Louisiana: I am, Mr. Chairman.

3. 96 CONG. REC. 6571, 81st Cong. 2d Sess.